

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ANTHONY STOKES	*	CIVIL ACTION NO. 08-0806
VERSUS	*	JUDGE ROBERT G. JAMES
BURL CAIN, WARDEN	*	MAG. JUDGE KAREN L. HAYES

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Petitioner's Petition for Writ of *Habeas Corpus* under 28 U.S.C. § 2254 [Doc. Nos. 1 & 4] is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Respondent's Motion to Dismiss for lack of exhaustion [Doc. No. 31] is hereby **DENIED AS MOOT**.

MONROE, LOUISIANA, this 28th day of February, 2013.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned *habeas* case, the Court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to make a substantial showing of the denial of a constitutional right.

MONROE, LOUISIANA, this 28th day of February, 2013.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE